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CITY OF ANTIOCH, CPL. JASON C. VANDERPOOL,
OFC. ERIC A. MCMANUS, and OFC. CAESAR E.
TANGUMA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT STOUT,

Plaintiff,

v.

CITY OF ANTIOCH, a public entity;
Antioch Police Department Corporal
JASON C. VANDERPOOL, individually;
Antioch Police Department Officers ERIC
A. MCMANUS and CAESAR E.
TANGUMA, individually; and DOES 1-
30, Jointly and Severally,

Defendants.

Case No. 4:20-CV-08370-YGR

**ANSWER BY DEFENDANTS CITY OF
ANTIOCH, CPL. VANDERPOOL, OFC.
MCMANUS, AND OFC. TANGUMA TO
PLAINTIFF'S COMPLAINT**

Hon. Yvonne Gonzalez Rogers

Defendants CITY OF ANTIOCH, CPL. JASON C. VANDERPOOL, OFC. ERIC A.
MCMANUS, and OFC. CAESAR R. TANGUMA ("Defendants"), hereby respond to the
allegations contained in the Complaint filed by plaintiff ROBERT STOUT ("Plaintiff").

I. INTRODUCTION

1. Paragraph 1 is an Introduction, to which no response is required. To the extent a
response is deemed required, Defendants respond as follows: in answer to the allegations of

Paragraph 1 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

II. JURISDICTION AND INTRADISTRICT ASSIGNMENT

2. Admitted.

3. Admitted.

III. PARTIES AND PROCEDURE

4. In answer to the allegations of Paragraph 4 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. In answer to the allegations of Paragraph 9 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

10. In answer to the allegations of Paragraph 10 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

11. Admitted.

12. In answer to the allegations of Paragraph 12 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

13. In answer to the allegations of Paragraph 13 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

14. In answer to the allegations of Paragraph 14 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

15. In answer to the allegations of Paragraph 15 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

16. Admitted.

17. In answer to the allegations of Paragraph 17 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

18. Admitted.

IV. GENERAL ALLEGATIONS

19. In answer to the allegations of Paragraph 19 of the complaint, Defendants incorporate their answers to every Paragraph of the complaint.

20. Paragraph 20 is a statement on Plaintiff's interpretation of the law, to which no response is required. To the extent a response is deemed required, Defendants respond as follows: in answer to the allegations of Paragraph 20 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

21. Paragraph 21 is a statement on Plaintiff's interpretation of the law, to which no

1 response is required. To the extent a response is deemed required, Defendants respond as follows:
2 in answer to the allegations of Paragraph 21 of the complaint, these defendants have insufficient
3 information or belief to enable them to answer said allegations, and for that reason and basing
4 their denial on that ground, deny both generally and specifically, each and every, all and singular,
5 the allegations contained therein.

6 22. Paragraph 22 is a statement on Plaintiff's interpretation of the law, to which no
7 response is required. To the extent a response is deemed required, Defendants respond as follows:
8 in answer to the allegations of Paragraph 22 of the complaint, these defendants have insufficient
9 information or belief to enable them to answer said allegations, and for that reason and basing
10 their denial on that ground, deny both generally and specifically, each and every, all and singular,
11 the allegations contained therein.

12 23. Paragraph 23 is a statement on Plaintiff's interpretation of the law, to which no
13 response is required. To the extent a response is deemed required, Defendants respond as follows:
14 in answer to the allegations of Paragraph 23 of the complaint, these defendants have insufficient
15 information or belief to enable them to answer said allegations, and for that reason and basing
16 their denial on that ground, deny both generally and specifically, each and every, all and singular,
17 the allegations contained therein.

18 24. In answer to the allegations of Paragraph 24 of the complaint, these defendants
19 have insufficient information or belief to enable them to answer said allegations, and for that
20 reason and basing their denial on that ground, deny both generally and specifically, each and
21 every, all and singular, the allegations contained therein.

22 25. In answer to the allegations of Paragraph 25 of the complaint, these defendants
23 have insufficient information or belief to enable them to answer said allegations, and for that
24 reason and basing their denial on that ground, deny both generally and specifically, each and
25 every, all and singular, the allegations contained therein.

26 26. In answer to the allegations of Paragraph 26 of the complaint, these defendants
27 have insufficient information or belief to enable them to answer said allegations, and for that
28 reason and basing their denial on that ground, deny both generally and specifically, each and

1 every, all and singular, the allegations contained therein.

2 27. In answer to the allegations of Paragraph 27 of the complaint, these defendants
3 have insufficient information or belief to enable them to answer said allegations, and for that
4 reason and basing their denial on that ground, deny both generally and specifically, each and
5 every, all and singular, the allegations contained therein.

6 28. In answer to the allegations of Paragraph 28 of the complaint, these defendants
7 have insufficient information or belief to enable them to answer said allegations, and for that
8 reason and basing their denial on that ground, deny both generally and specifically, each and
9 every, all and singular, the allegations contained therein.

10 29. In answer to the allegations of Paragraph 29 of the complaint, these defendants
11 have insufficient information or belief to enable them to answer said allegations, and for that
12 reason and basing their denial on that ground, deny both generally and specifically, each and
13 every, all and singular, the allegations contained therein.

14 30. In answer to the allegations of Paragraph 30 of the complaint, these defendants
15 have insufficient information or belief to enable them to answer said allegations, and for that
16 reason and basing their denial on that ground, deny both generally and specifically, each and
17 every, all and singular, the allegations contained therein.

18 31. In answer to the allegations of Paragraph 31 of the complaint, these defendants
19 have insufficient information or belief to enable them to answer said allegations, and for that
20 reason and basing their denial on that ground, deny both generally and specifically, each and
21 every, all and singular, the allegations contained therein.

22 32. In answer to the allegations of Paragraph 32 of the complaint, these defendants
23 have insufficient information or belief to enable them to answer said allegations, and for that
24 reason and basing their denial on that ground, deny both generally and specifically, each and
25 every, all and singular, the allegations contained therein.

26 33. In answer to the allegations of Paragraph 33 of the complaint, these defendants
27 have insufficient information or belief to enable them to answer said allegations, and for that
28 reason and basing their denial on that ground, deny both generally and specifically, each and

1 every, all and singular, the allegations contained therein.

2 34. In answer to the allegations of Paragraph 34 of the complaint, these defendants
3 have insufficient information or belief to enable them to answer said allegations, and for that
4 reason and basing their denial on that ground, deny both generally and specifically, each and
5 every, all and singular, the allegations contained therein.

6 35. In answer to the allegations of Paragraph 35 of the complaint, these defendants
7 have insufficient information or belief to enable them to answer said allegations, and for that
8 reason and basing their denial on that ground, deny both generally and specifically, each and
9 every, all and singular, the allegations contained therein.

10 36. In answer to the allegations of Paragraph 36 of the complaint, these defendants
11 have insufficient information or belief to enable them to answer said allegations, and for that
12 reason and basing their denial on that ground, deny both generally and specifically, each and
13 every, all and singular, the allegations contained therein.

14 37. In answer to the allegations of Paragraph 37 of the complaint, these defendants
15 have insufficient information or belief to enable them to answer said allegations, and for that
16 reason and basing their denial on that ground, deny both generally and specifically, each and
17 every, all and singular, the allegations contained therein.

18 38. In answer to the allegations of Paragraph 38 of the complaint, these defendants
19 have insufficient information or belief to enable them to answer said allegations, and for that
20 reason and basing their denial on that ground, deny both generally and specifically, each and
21 every, all and singular, the allegations contained therein.

22 39. In answer to the allegations of Paragraph 39 of the complaint, these defendants
23 have insufficient information or belief to enable them to answer said allegations, and for that
24 reason and basing their denial on that ground, deny both generally and specifically, each and
25 every, all and singular, the allegations contained therein.

26 40. In answer to the allegations of Paragraph 40 of the complaint, admitted that Ofc.
27 McManus' incident-related police report included the following quoted language: "a 911 call
28 from Robert Stout"; "there was a couple in an argument and a female was in the background

1 telling the reporting party (Stout) what to say”; “the female threatened to call 911 and Stout said,
2 I’ll do it for you”; “the reporting party was no longer answering questions”; and “the call was 80
3 minutes cold.” In answer to all remaining allegations of Paragraph 40 of the complaint, these
4 defendants have insufficient information or belief to enable them to answer said allegations, and
5 for that reason and basing their denial on that ground, deny both generally and specifically, each
6 and every, all and singular, the allegations contained therein.

7 41. Admitted.

8 42. Admitted.

9 43. In answer to Paragraph 43 of the Complaint, beginning and ending with “Corporal
10 Vanderpool arrived on scene first,” admitted. In answer to all remaining allegations of Paragraph
11 43 of the complaint, these defendants have insufficient information or belief to enable them to
12 answer said allegations, and for that reason and basing their denial on that ground, deny both
13 generally and specifically, each and every, all and singular, the allegations contained therein.

14 44. In answer to Paragraph 44 of the Complaint, beginning and ending with “Corporal
15 Vanderpool knocked on the front door of 1324 Rockspring Way,” admitted. In answer to all
16 remaining allegations of Paragraph 44 of the complaint, these defendants have insufficient
17 information or belief to enable them to answer said allegations, and for that reason and basing
18 their denial on that ground, deny both generally and specifically, each and every, all and singular,
19 the allegations contained therein.

20 45. In answer to the allegations of Paragraph 45 of the complaint, these defendants
21 have insufficient information or belief to enable them to answer said allegations, and for that
22 reason and basing their denial on that ground, deny both generally and specifically, each and
23 every, all and singular, the allegations contained therein.

24 46. In answer to the allegations of Paragraph 46 of the complaint, these defendants
25 have insufficient information or belief to enable them to answer said allegations, and for that
26 reason and basing their denial on that ground, deny both generally and specifically, each and
27 every, all and singular, the allegations contained therein.

28 47. In answer to the allegations of Paragraph 47 of the complaint, these defendants

1 have insufficient information or belief to enable them to answer said allegations, and for that
2 reason and basing their denial on that ground, deny both generally and specifically, each and
3 every, all and singular, the allegations contained therein.

4 48. In answer to the allegations of Paragraph 48 of the complaint, these defendants
5 have insufficient information or belief to enable them to answer said allegations, and for that
6 reason and basing their denial on that ground, deny both generally and specifically, each and
7 every, all and singular, the allegations contained therein.

8 49. In answer to the allegations of Paragraph 49 of the complaint, these defendants
9 have insufficient information or belief to enable them to answer said allegations, and for that
10 reason and basing their denial on that ground, deny both generally and specifically, each and
11 every, all and singular, the allegations contained therein.

12 50. In answer to the allegations of Paragraph 50 of the complaint, these defendants
13 have insufficient information or belief to enable them to answer said allegations, and for that
14 reason and basing their denial on that ground, deny both generally and specifically, each and
15 every, all and singular, the allegations contained therein.

16 51. In answer to the allegations of Paragraph 51 of the complaint, these defendants
17 have insufficient information or belief to enable them to answer said allegations, and for that
18 reason and basing their denial on that ground, deny both generally and specifically, each and
19 every, all and singular, the allegations contained therein.

20 52. In answer to the allegations of Paragraph 52 of the complaint, these defendants
21 have insufficient information or belief to enable them to answer said allegations, and for that
22 reason and basing their denial on that ground, deny both generally and specifically, each and
23 every, all and singular, the allegations contained therein.

24 53. In answer to the allegations of Paragraph 53 of the complaint, these defendants
25 have insufficient information or belief to enable them to answer said allegations, and for that
26 reason and basing their denial on that ground, deny both generally and specifically, each and
27 every, all and singular, the allegations contained therein.

28 54. In answer to the allegations of Paragraph 54 of the complaint, these defendants

1 have insufficient information or belief to enable them to answer said allegations, and for that
2 reason and basing their denial on that ground, deny both generally and specifically, each and
3 every, all and singular, the allegations contained therein.

4 55. In answer to the allegations of Paragraph 55 of the complaint, these defendants
5 have insufficient information or belief to enable them to answer said allegations, and for that
6 reason and basing their denial on that ground, deny both generally and specifically, each and
7 every, all and singular, the allegations contained therein.

8 56. In answer to the allegations of Paragraph 56 of the complaint, these defendants
9 have insufficient information or belief to enable them to answer said allegations, and for that
10 reason and basing their denial on that ground, deny both generally and specifically, each and
11 every, all and singular, the allegations contained therein.

12 57. In answer to the allegations of Paragraph 57 of the complaint, these defendants
13 have insufficient information or belief to enable them to answer said allegations, and for that
14 reason and basing their denial on that ground, deny both generally and specifically, each and
15 every, all and singular, the allegations contained therein.

16 58. In answer to the allegations of Paragraph 58 of the complaint, these defendants
17 have insufficient information or belief to enable them to answer said allegations, and for that
18 reason and basing their denial on that ground, deny both generally and specifically, each and
19 every, all and singular, the allegations contained therein.

20 59. In answer to the allegations of Paragraph 59 of the complaint, these defendants
21 have insufficient information or belief to enable them to answer said allegations, and for that
22 reason and basing their denial on that ground, deny both generally and specifically, each and
23 every, all and singular, the allegations contained therein.

24 60. In answer to the allegations of Paragraph 60 of the complaint, these defendants
25 have insufficient information or belief to enable them to answer said allegations, and for that
26 reason and basing their denial on that ground, deny both generally and specifically, each and
27 every, all and singular, the allegations contained therein.

28 61. In answer to the allegations of Paragraph 61 of the complaint, these defendants

1 have insufficient information or belief to enable them to answer said allegations, and for that
2 reason and basing their denial on that ground, deny both generally and specifically, each and
3 every, all and singular, the allegations contained therein.

4 62. In answer to the allegations of Paragraph 62 of the complaint, these defendants
5 have insufficient information or belief to enable them to answer said allegations, and for that
6 reason and basing their denial on that ground, deny both generally and specifically, each and
7 every, all and singular, the allegations contained therein.

8 63. In answer to the allegations of Paragraph 63 of the complaint, these defendants
9 have insufficient information or belief to enable them to answer said allegations, and for that
10 reason and basing their denial on that ground, deny both generally and specifically, each and
11 every, all and singular, the allegations contained therein.

12 64. In answer to the allegations of Paragraph 64 of the complaint, these defendants
13 have insufficient information or belief to enable them to answer said allegations, and for that
14 reason and basing their denial on that ground, deny both generally and specifically, each and
15 every, all and singular, the allegations contained therein.

16 65. In answer to the allegations of Paragraph 65 of the complaint, these defendants
17 have insufficient information or belief to enable them to answer said allegations, and for that
18 reason and basing their denial on that ground, deny both generally and specifically, each and
19 every, all and singular, the allegations contained therein.

20 66. In answer to the allegations of Paragraph 66 of the complaint, these defendants
21 have insufficient information or belief to enable them to answer said allegations, and for that
22 reason and basing their denial on that ground, deny both generally and specifically, each and
23 every, all and singular, the allegations contained therein.

24 67. In answer to the allegations of Paragraph 67 of the complaint, these defendants
25 have insufficient information or belief to enable them to answer said allegations, and for that
26 reason and basing their denial on that ground, deny both generally and specifically, each and
27 every, all and singular, the allegations contained therein.

28 68. In answer to the allegations of Paragraph 68 of the complaint, these defendants

1 have insufficient information or belief to enable them to answer said allegations, and for that
2 reason and basing their denial on that ground, deny both generally and specifically, each and
3 every, all and singular, the allegations contained therein.

4 69. In answer to the allegations of Paragraph 69 of the complaint, these defendants
5 have insufficient information or belief to enable them to answer said allegations, and for that
6 reason and basing their denial on that ground, deny both generally and specifically, each and
7 every, all and singular, the allegations contained therein.

8 70. In answer to the allegations of Paragraph 70 of the complaint, these defendants
9 have insufficient information or belief to enable them to answer said allegations, and for that
10 reason and basing their denial on that ground, deny both generally and specifically, each and
11 every, all and singular, the allegations contained therein.

12 71. In answer to the allegations of the first sentence of Paragraph 71 of the complaint,
13 admitted. In answer to the allegations of the second sentence of Paragraph 71 of the complaint,
14 these defendants have insufficient information or belief to enable them to answer said allegations,
15 and for that reason and basing their denial on that ground, deny both generally and specifically,
16 each and every, all and singular, the allegations contained therein.

17 72. In answer to the allegations of Paragraph 72 of the complaint, these defendants
18 have insufficient information or belief to enable them to answer said allegations, and for that
19 reason and basing their denial on that ground, deny both generally and specifically, each and
20 every, all and singular, the allegations contained therein.

21 73. In answer to the allegations of Paragraph 73 of the complaint, these defendants
22 have insufficient information or belief to enable them to answer said allegations, and for that
23 reason and basing their denial on that ground, deny both generally and specifically, each and
24 every, all and singular, the allegations contained therein.

25 74. In answer to the allegations of Paragraph 74 of the complaint, these defendants
26 have insufficient information or belief to enable them to answer said allegations, and for that
27 reason and basing their denial on that ground, deny both generally and specifically, each and
28 every, all and singular, the allegations contained therein.

75. In answer to the allegations of Paragraph 75 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

76. In answer to the allegations of Paragraph 76 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

77. In answer to the allegations of Paragraph 77 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

(42 U.S.C. § 1983)

AGAINST DEFENDANTS VANDERPOOL, MCMANUS, TANGUMA, and DOES 1-10

78. In answer to the allegations of Paragraph 78 of the complaint, Defendants incorporate their answers to every Paragraph of the complaint.

79. In answer to the allegations of Paragraph 79 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

80. In answer to the allegations of Paragraph 80 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

81. In answer to the allegations of Paragraph 81 of the complaint, these defendants

1 have insufficient information or belief to enable them to answer said allegations, and for that
 2 reason and basing their denial on that ground, deny both generally and specifically, each and
 3 every, all and singular, the allegations contained therein.

4 82. In answer to the allegations of Paragraph 82 of the complaint, these defendants
 5 have insufficient information or belief to enable them to answer said allegations, and for that
 6 reason and basing their denial on that ground, deny both generally and specifically, each and
 7 every, all and singular, the allegations contained therein.

8 **SECOND CAUSE OF ACTION**
 9 **(42 U.S.C. § 1983 *Monell* and Supervisory Liability)**
 10 **AGAINST DEFENDANT CITY OF ANTIOCH and DOES 11-30**

11 83. In answer to the allegations of Paragraph 83 of the complaint, Defendants
 12 incorporate their answers to every Paragraph of the complaint.

13 84. In answer to the allegations of Paragraph 84 of the complaint, these defendants
 14 have insufficient information or belief to enable them to answer said allegations, and for that
 15 reason and basing their denial on that ground, deny both generally and specifically, each and
 16 every, all and singular, the allegations contained therein.

17 85. In answer to the allegations of Paragraph 85 of the complaint, these defendants
 18 have insufficient information or belief to enable them to answer said allegations, and for that
 19 reason and basing their denial on that ground, deny both generally and specifically, each and
 20 every, all and singular, the allegations contained therein.

21 86. In answer to the allegations of Paragraph 86 of the complaint, these defendants
 22 have insufficient information or belief to enable them to answer said allegations, and for that
 23 reason and basing their denial on that ground, deny both generally and specifically, each and
 24 every, all and singular, the allegations contained therein.

25 87. In answer to the allegations of Paragraph 87 of the complaint, these defendants
 26 have insufficient information or belief to enable them to answer said allegations, and for that
 27 reason and basing their denial on that ground, deny both generally and specifically, each and
 28 every, all and singular, the allegations contained therein.

88. In answer to the allegations of Paragraph 88 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

THIRD CAUSE OF ACTION
(VIOLATION OF CIVIL CODE § 52.1)
AGAINST DEFENDANTS CITY OF ANTIOCH, VANDERPOOL, MCMANUS,
TANGUAMA, and DOES 1-10

89. In answer to the allegations of Paragraph 89 of the complaint, Defendants incorporate their answers to every Paragraph of the complaint.

90. In answer to the allegations of Paragraph 90 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

91. In answer to the allegations of Paragraph 91 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

92. In answer to the allegations of Paragraph 92 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

93. In answer to the allegations of Paragraph 93 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

94. In answer to the allegations of Paragraph 94 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that

1 reason and basing their denial on that ground, deny both generally and specifically, each and
2 every, all and singular, the allegations contained therein.

3 **FOURTH CAUSE OF ACTION**
4 **(NEGLIGENCE)**
5 **AGAINST ALL DEFENDANTS**

6 95. In answer to the allegations of Paragraph 95 of the complaint, Defendants
7 incorporate their answers to every Paragraph of the complaint.

8 96. In answer to the allegations of Paragraph 96 of the complaint, these defendants
9 have insufficient information or belief to enable them to answer said allegations, and for that
10 reason and basing their denial on that ground, deny both generally and specifically, each and
11 every, all and singular, the allegations contained therein.

12 97. In answer to the allegations of Paragraph 97 of the complaint, these defendants
13 have insufficient information or belief to enable them to answer said allegations, and for that
14 reason and basing their denial on that ground, deny both generally and specifically, each and
15 every, all and singular, the allegations contained therein.

16 98. In answer to the allegations of Paragraph 98 of the complaint, these defendants
17 have insufficient information or belief to enable them to answer said allegations, and for that
18 reason and basing their denial on that ground, deny both generally and specifically, each and
19 every, all and singular, the allegations contained therein.

20 99. In answer to the allegations of Paragraph 99 of the complaint, these defendants
21 have insufficient information or belief to enable them to answer said allegations, and for that
22 reason and basing their denial on that ground, deny both generally and specifically, each and
23 every, all and singular, the allegations contained therein.

24 100. In answer to the allegations of Paragraph 100 of the complaint, these defendants
25 have insufficient information or belief to enable them to answer said allegations, and for that
26 reason and basing their denial on that ground, deny both generally and specifically, each and
27 every, all and singular, the allegations contained therein.
28

101. In answer to the allegations of Paragraph 101 of the complaint, these defendants have insufficient information or belief to enable them to answer said allegations, and for that reason and basing their denial on that ground, deny both generally and specifically, each and every, all and singular, the allegations contained therein.

DEMAND

Defendants demand a Jury Trial.

FIRST AFFIRMATIVE DEFENSE

AS AND FOR A FIRST, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Plaintiff's causes of action are barred by the statute of limitations.

SECOND AFFIRMATIVE DEFENSE

AS AND FOR A SECOND, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Plaintiff's causes of action are barred by laches.

THIRD AFFIRMATIVE DEFENSE

AS AND FOR A THIRD, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Plaintiff's causes of action are barred by unclean hands.

FOURTH AFFIRMATIVE DEFENSE

AS AND FOR A FOURTH, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Should plaintiff(s) recover non-economic damages against any defendant, the liability for non-economic damages is limited to the degree of fault and several liability of said defendant's pursuant to Civil Code section 1431.2 and a separate, several judgment shall be rendered against said defendants based upon said defendant's degree of fault and several liability.

FIFTH AFFIRMATIVE DEFENSE

AS AND FOR A FIFTH, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Individual defendant(s) are immune from 42 U.S.C. § 1983 liability pursuant to the doctrine of qualified immunity. See *White v. Pauly*, 137 S. Ct. 548 (2017), *Ashcroft v. al-Kidd*, 563 U.S. 731 (2011) and *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).

SIXTH AFFIRMATIVE DEFENSE

AS AND FOR A SIXTH, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Defendants are immune from Plaintiffs' state-law causes of action pursuant to the provisions of §§ 815, 815.2, 818, 820.2, 820.4, 820.6, 820.8, 820.9, 821.6, 844.6, and 845.6 of the Government Code of the State of California.

SEVENTH AFFIRMATIVE DEFENSE

AS AND FOR A SEVENTH, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Defendants allege that plaintiff failed to set forth the facts sufficient to state a cause of action due to a failure to comply with claims requirements of the California Government Code §§ 900 et. seq.

EIGHTH AFFIRMATIVE DEFENSE

AS AND FOR A EIGHTH, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

That plaintiff assumed the risk of any injuries and/or damages resulting from the matters set forth in said complaint, and that said assumption of risk by plaintiff was a cause of the injuries and/or damages alleged by plaintiff, if any there was.

NINTH AFFIRMATIVE DEFENSE

AS AND FOR A NINTH, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

Plaintiff failed to mitigate his damages.

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TENTH AFFIRMATIVE DEFENSE

AS AND FOR A TENTH, SEPARATE AND DISTINCT DEFENSE, DEFENDANTS ALLEGE:

That plaintiff was himself negligent and careless in and about the matters and events set forth in the complaint, and that said negligence contributed to his alleged injuries and/or damages. A verdict of the jury in favor of plaintiff, if any, which may be rendered in this case must therefore be reduced by the percentage that plaintiff's negligence contributed to the accident and injuries complained of, if any there were.

Respectfully submitted,

Dated: February 5, 2021

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

By: /s/ Kevin P. Allen
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